

REMARKS

This Amendment is being filed in response to the Office Action dated January 5, 2007. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-12 and 14-19 are currently pending in the Application. Claims 1, 7, 10, and 14 are independent claims.

By means of the present amendment, the claims have been amended for better conformance to U.S. practice, such as changing "characterized in that" to --wherein--. Further, claims 1 and 10 are amended to clarify what Applicant considers to have already been required by the previously pending claims. It is respectfully submitted that the claims were not amended in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents. Applicant furthermore reserves the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

The Applicant would like to thank the Examiner for the indication that claim 7 is allowable if rewritten in independent

form. Claim 7 is amended herein to be in independent form and accordingly is allowable as presented and an indication to that effect is respectfully requested.

In the Office Action, claims 1, 4, 6, 8-10 and 12 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent 6,714,496 to Park (Park) in view of U.S. Patent No. 5,206,848 to Kusano (Kusano) in further view of U.S. Patent No. 5,627,808 to Hajjar (Hajjar). Claim 3 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Park in view of Kusano, in view of Hajjar, in further view of U.S. Patent 6,266,301 to Morimoto (Morimoto). Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Park in view of Kusano, in view of Hajjar, in further view of U.S. Patent 6,181,670 to Nagasato (Nagasato). Claim 5 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Park in view in view of Kusano, in view of Hajjar, in further view of U.S. Patent 5,602,566 to Motosyuku (Motosyuku).

It is respectfully submitted that the claims are allowable over the prior art of record for at least the following reasons.

In the Response to Arguments section of the Office Action, the position is taken that Park's "signals FET1 and FET2 are being used to control the focusing, [as such] they are focus controlling outputs." (See, Office Action, page 8, section 7, second paragraph.)

This position is respectfully refuted. It is respectfully submitted that FET1 and FET2 are not "focus controlling outputs" in terms of the present patent application. FET1 and FET2 are merely calibration measurements of an ascending and descending focus error output time (e.g., see, FIG. 1 and 3, respectively steps S20 and S220, and the accompanying description contained in Col. 3, lines 4-11, and Col. 5, lines 9-25). In operation, FET2 is subtracted from FET1 (e.g., see, respectively steps S30 and S230, and the accompanying description contained in Col. 3, lines 11-17, and Col. 5, lines 26-30) and the difference is compared to a reference focus error output difference FETrf (e.g., see, respectively steps S40 and S240, and the accompanying description contained in Col. 3, lines 17-22, and Col. 5, lines 30-36) to determine a signal MD. The signal MD is output to a motor 40 to adjust a tilt of the turntable (e.g., see, FIG. 5, motor driving signal generator 30,

signal MD, and motor 40, respectively steps S50 and S250, and the accompanying description contained in Col. 3, lines 27-45, and Col. 5, lines 36-43). As is made clear in Park, step 250 is a "tilt calibration step S50" (see, Col. 3, line 30) and step S250 is a "tilt calibration step S250 (see, Col. 5, line 13). As should be clear from the above FET1 and FET2 are merely utilized to determine a focus error output difference that is compared to FETrf. Accordingly, it is not supported by Park that FET1 and FET2 are "focus controlling outputs" in terms of the claims presented in the present application.

It is respectfully submitted that the device of Claim 1 is not made obvious by the teachings of Park in view of Kusano in further view of Hajjar. For example, Park in view of Kusano in further view of Hajjar does not disclose or suggest, a device that amongst other patentable elements, comprises (illustrative emphasis provided) "control means for generating two focus controlling outputs; and actuating means for receiving said two focus controlling outputs for controlling a focusing state and the radial tilt of the optical recording/reproducing beam utilizing said received two focus controlling outputs, wherein said control means

determines a radial tilt value based on a differentiation of focus control values obtained at different radii of said optical disk" as required by Claim 1, and as substantially required by each of Claims 10 and 14.

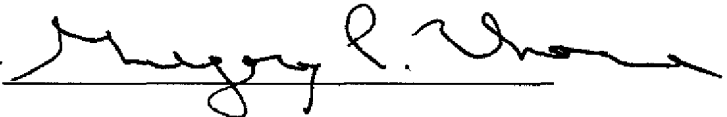
Based on the foregoing, the Applicant respectfully submits that independent Claims 1, 10 and 14 are patentable over Park in view of Kusano in further view of Hajjar and notice to this effect is earnestly solicited. Claims 2-9, 11, 12, and 15-19 respectively depend from one of Claims 1, 10 and 14 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position,

should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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